UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,998	04/27/2001	Joseph A. Zierolf	200017 USA	1645

7590 12/09/2003

Jack E. Ebel
11735 Applewood Knolls Drive
Lakewood, CO 80215

EXAMINER	
LABAZE, EDWYN	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,998	ZIEROLF, JOSEPH A.	
	Examiner	Art Unit	
	EDWYN LABAZE	2876	

-- Th MAILING DATE of this communication app ars on the cover sh et with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 9/30/2003.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-72 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 56-69 is/are rejected.

7)☐ Claim(s) 2-11, 14-16,18,19,21-27,30-36,38-47,50-55 and 70-72 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 9/30/2003.

2. Claims 2-72 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 56-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Snider (U.S. 6,536,524).

Re claim 56: Snider discloses method and system for performing a casing conveyed perforating process and other operations in wells, which includes means of passing a transceiver in proximity to an asset 14 having a responding device [or identification device 42 as shown in figs. # 2B and 3 of Snider] (col.2, lines 32+; col.6, lines 1-67; col.11, lines 8-20) and an antenna

74 electrically connected to said responding device 30 so as to permit communication between the transceiver and the responding device 42 via said antenna 74 (Fig. # 2B of Snider; col.7, lines 1+).

Re claims 57, 63: Snider teaches a system and method, wherein said asset 14 is generally tubular (col.4, lines 47+) and the transceiver 42D is passed along the exterior of the asset 14 (as shown in Fig. # 7 of Snider; col.12, lines 28+).

Re claims 58, 64: Snider discloses a system and method, wherein the asset 14 is generally tubular (col.4, lines 47+) and the transceiver 42 is passed through the interior of the asset 14 (see Fig. # 2B of Snider col.6, lines 58+).

Re claims 59, 65: Snider teaches a system and method, further comprising: passing a second transceiver through the interior of the asset 14 (col.11, lines 45+).

Re claims 60, 66: Snider discloses a system and method, wherein the responding device 42 is a radio frequency identification device 42 [with means of transmitting and receiving RF responses signals (col.2, lines 23-30; col.6, lines 1+).

Re claims 61, 67: Snider teaches a system and method, wherein the radio frequency identification device 42 is passive or PRID (col.6, lines 5+).

Re claims 62, 68-69: Snider discloses a system and method, which includes means of positioning a transceiver and a tubular/pipe 14 (see Figs. # 2, 2A-B of Snider) having a responding device 42 and an antenna 74 electrically connected to the responding device in proximity to each other without regard to the rotational orientation [wherein the base member for mounting the responsive device 42, antenna 74 can be of any geometrical configuration] of the tubular so as to permit communication between the transceiver and the responding device 42 via

the antenna 74 (col.7, lines 1-10), and further discloses passing an asset having a responding device connected thereto within a transceiver having a generally annular antenna [the examiner is broadly interpreted the teachings of Snider and the previous rejections of claim 62, wherein Snider teaches that the base member can have any geometrical configuration which would include an annular shape] so as to permit communication between the transceiver and the responding device 42 via the antenna 74(col.7, lines 1-10).

Allowable Subject Matter

5. Claims 70-72, 2-11, 14-16, 18-19, 21-27, 30-36, 38-47, 50-55 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, teaches a well perforator system and method, comprising of a responding device, which is a radio frequency identification device with passive communicating by means of electromagnetic energy, an antenna that extends substantially around the outer periphery, a groove or conduit on the outer surface in the form of an annular or a ring-shaped, and extended around the outer periphery, and that the assembly has a sealant positioned on each side of the housing and secures the antenna, also a second antenna but fails to teach a second antenna electrically connected with a responding device along the inner periphery of the tubular. These limitations in conjunction with other limitations in the claims were not shown by the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Savage (U.S. 5,206,680) discloses system for drill string tallying tracking and service factor measurement.

Burleson et al. (U.S. 5,355957) teaches combined pressure testing and selective fired perforating systems.

Yuasa et al. (U.S. 5,495,237) discloses measuring tool for collecting down-hole information and metering valve for producing mud-pulse used in the same.

Hromas et al. (U.S. 5,911,277) teaches system for activating a perforating device in a well.

Kilgore (U.S. 6,257,338) discloses method and apparatus for controlling fluid flow within wellbore with selectively set and unset packer assembly.

Thomeer et al. (U.S. 6,333,700) teaches apparatus and method for down-hole well equipment and process management, identification, and actuation.

Beck et al. (U.S. 6,343,649) discloses method and associated apparatus for downhole data retrieval, monitoring and tool actuation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
November 28, 2003

THIEN M. LE
PRIMARY EXAMINER